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SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 30 March 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 10 a.m.

STATEMENT BY MR. MORITZ LEUENBERGER, PRESIDENT OF THE SWISS CONFEDERATION

1. The CHAIRPERSON thanked Switzerland and the Canton of Geneva for the hospitality extended by them each year to the Commission on Human Rights and for their contribution to the development of international humanitarian law, with which the name of Henri Dunant would forever be associated. The Commission was very honoured to hear, for the first time, Mr. Leuenberger, whose long political career had led him to the office of President of the Swiss Confederation.

2. Mr. LEUENBERGER (Switzerland) said that it was a great honour for him to take the floor before the Commission on Human Rights - the true moral conscience of the international community. In the words of Jean-Jacques Rousseau, a citizen of Geneva, "Man was born free, yet everywhere he is in chains". The Commission took on the essential task of freeing man from his chains. It dealt with respect for the founding values of the human community, such as freedom of religion and conscience, freedom of expression, democracy and the rule of law. However, those values, which were the basis for universal and indivisible rights, were flouted daily throughout the world. The civil, political, economic, social and cultural rights of individuals and communities were trampled on daily by war, murder, imprisonment, torture, disappearance and rape.

3. All countries, regardless of their size, bore their share of responsibility for that situation, on account of the interdependence which characterized the "global village", where goods, information, capital and people moved about with ease. Those who governed had fostered globalization, relaxation of controls and the opening-up of frontiers. The economy thus had large areas of activity and investment, which held out the promise of growth and prosperity for all, even if for the moment, inequality was growing. A world of blatant inequalities and growing poverty - in which 2 billion people were living on less than 2 dollars a day - could not be a world of peace. The right to development was an integral part of human rights. The rich countries bore a particular responsibility for that huge amount of poverty. Trade protectionism, unequal trade, weak investment and cooperation, the brain drain and the flight of capital did not encourage development.

4. Having assured the globalization of the economy, the next task was to globalize political, economic and social responsibilities. No Government, society or ethnic group, no transnational corporation could shirk its local or global responsibility. As had been rightly observed by Pierre Sané, the Secretary-General of Amnesty International, the power of the transnational corporations must necessarily be counterbalanced by responsibility towards the communities in which they operated. In that connection, he commended the "Global Compact" initiative launched by the Secretary-General of the United Nations, which forged a sound link between human rights, the right to work and the environment, and to which a growing number of companies had committed themselves.

5. International law had progressed steadily under the aegis of the United Nations and the regional organizations. War criminals and the perpetrators of genocide could no longer count on

impunity. The international tribunals for Rwanda and the former Yugoslavia, together with the International Criminal Court, whose Statute the Swiss Parliament was about to ratify, constituted very valuable new instruments. State sovereignty, the mask that concealed countless barbarities, was no longer absolute. "Good governance" was becoming an integral part of the conditionality for official development assistance (ODA). Nevertheless, there were certain inconsistencies, behind which lurked a degree of hypocrisy. Economic considerations or reasons of State had frequently prompted some countries to conceal human rights violations in another country which was their trade partner or strategic ally.

6. At a time of globalization, unilateral denunciation was no longer appropriate, because responsibility too was global. It would be a simple task to draw up a list of human rights violations throughout the world. It would be easy, for example, to condemn the existence of the death penalty in the United States, to reassert that human rights were not respected in Chechnya and to recall the persistence of massive repression of minorities and religious communities in China. However, it was necessary to go beyond mere incantation and adopt tangible measures, including economic and political measures, against repressive regimes. Such measures should be guided by international law, and not by the partisan interests of any particular State. State boundaries had been blurred by economic and technological globalization. They should also give way to respect for fundamental human rights and international humanitarian law. That was the prerequisite for globalization and human rights to be compatible.

7. Switzerland was keen to present itself as a model State in the field of human rights. Nevertheless, it had on occasion been condemned by the European Court of Human Rights for acts of racial discrimination, unequal pay for men and women, or preventing family reunification for foreign seasonal workers. That fact was evidence that fundamental rights and freedoms were never won once and for all, that they must be constantly upheld, and that it was necessary to fight to ensure that they were put into effect. The decisions of the European Court of Human Rights were valuable, because they enabled Switzerland to evolve and to improve its legislation in order better to protect fundamental rights.

8. As all were aware, it was not enough to condemn human rights violations. The commitments made within the Commission were but a first step. The resolutions adopted must then be followed up by finally making a reality of the right of all to food, by offering all children, girls and boys, a basic education, by ensuring that all workers received a decent wage, by working for debt relief for the poorest countries, by putting into practice the commitments on climate policy made at Kyoto, by introducing legislation effectively to combat organized crime and money laundering, and enforcing that legislation.

9. Switzerland hoped that, at its current session, the Commission would be able to advance towards the adoption of an additional protocol to the Convention against Torture and to send a clear political signal to the extraordinary session of the General Assembly devoted to racism and to the World Conference against Racism. Only the uncompromising implementation of the Commission's resolutions would help humankind to progress towards a world of freedom, justice and solidarity, the sole guarantee of a genuine human rights policy. That would be the most fitting tribute that could be paid to Mrs. Mary Robinson for her courage and her unstinting work in the cause of human rights.

STATEMENT BY MR. KOFI ANNAN, SECRETARY-GENERAL OF THE UNITED NATIONS

10. Mr. KOFI ANNAN (Secretary-General of the United Nations) began by paying tribute to the United Nations High Commissioner for Human Rights. He respected, but greatly regretted, her decision not to seek a second term. Her tenure had seen important achievements. She had raised global awareness of the oft-neglected economic, social and cultural rights, and in particular the right to development. Despite meagre funding, she had expanded the global presence of the Office of the High Commissioner, and had been a forceful advocate of all human rights for all people, especially for the most vulnerable.

11. He assured the Commission that, together with the High Commissioner, he would seek to continue that progress and, in particular, to ensure the success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, preparation for which was well under way, thanks to the tireless efforts of Governments, experts and non-governmental partners, and which was increasingly attracting public attention. The time was ripe for considering what message the Conference should send and for bridging the differences that had emerged. Racism and intolerance plagued all countries without exception, scarring societies and marring work for peace. Some forms of discrimination were only too familiar, starting with those affecting women: rape in time of war, exploitation at work and abuse at home. Immigrants were attacked and their customs mocked. School textbooks often ignored the contributions, or even the existence, of indigenous peoples. State spending frequently neglected the needs of minorities. The mass media were sometimes used to spread false and ugly stereotypes. Politicians - democrats as well as dictators - used race-based appeals to seek and maintain power.

12. In the past 10 years, new types of intolerance had emerged, with new targets and new tools with which to spread it. People with HIV and AIDS were ostracized and the intensified cross-border movements associated with globalization, were seen by some as a threat prompting a retreat from openness. The Internet was used by some as a messenger of hatred and dehumanizing imagery. Such troubling behaviour was a hindrance to development and a breeding ground for armed conflict, generating massive flows of refugees and displaced persons. People who were excluded or marginalized and whose attempts at peaceful protest were met with repression often ended up resorting to extreme measures, including violence.

13. The United Nations had mounted a vigorous response to those practices: in recent years, almost all peacekeeping operations had had human rights components, the Organization's development agencies systematically emphasized good governance and the rule of law, and the General Assembly had proclaimed 2001 the United Nations Year of Dialogue among Civilizations. The international criminal tribunals were seeking to end impunity and to promote justice and accountability, and it was to be hoped that the International Criminal Court would shortly come into operation. Those measures constituted an important step in the right direction. However, the world was not yet free of bondage and forced labour, genocide had again been perpetrated in the last decade and far-right parties with racist programmes were growing. The people who suffered most from the denial of their human rights were often unable to reach the various mechanisms responsible for protecting those rights. The World Conference should seek ways of remedying that situation.

14. He was convinced that world conferences were not a waste of time or money. The United Nations conferences in the 1990s had produced dynamic blueprints for progress on key issues such as the environment, the advancement of women and, not least, human rights. The Durban Conference too could deeply influence the lives of all victims of racism by giving them help and reason to hope. It could build on the foundations provided by the International Convention on the Elimination of All Forms of Racial Discrimination. In that regard, he stressed that it was crucial for States to cooperate with the Committee created by that Convention. In actual fact, if the Durban Conference served only to raise public awareness and to rouse the collective conscience, that would be reason enough to hold it. However, the main business was to redirect public policy and leave a lasting imprint on the workings of Governments, which were the main violators of human rights, despite bearing prime responsibility for upholding them. Accordingly, participants should focus their full attention on the conference declaration and programme of action. Language from conference documents often found its way into national laws and constitutions. Such documents inspired the creation of new institutions for the promotion of human rights and new protections for human rights defenders. They helped spur changes in curricula, so that tolerance and respect for diversity were taught to children from an early age. Those considerations explained why it was important to work towards a solid and credible declaration and programme of action, a forward-looking document that acknowledged past achievements, one that all people without exception could recognize as their own and in which they - and not just their Governments - could find inspiration.

15. Nothing could be achieved without the involvement of civil society. The private sector, too, had a key role to play. For that reason, one of the core principles he had asked companies to embrace in the Global Compact was the elimination of discrimination in hiring and in the workplace. It would take years, if not generations, to achieve universal tolerance. Living together in harmony had always been the dream of humankind. In every part of the world, there had been fine examples of real and lasting success. Such examples should be emulated.

STATEMENT BY MR. JACQUES CHIRAC, PRESIDENT OF THE FRENCH REPUBLIC

16. The CHAIRPERSON said that, for the first time in its history, the Commission was to be addressed by the President of the French Republic, the country which, in 1789, had adopted the Declaration of the Rights of Man and of the Citizen, and where, in 1948, the Universal Declaration of Human Rights, one of whose main artisans was René Cassin, had been adopted. He also wished to thank France, in his personal capacity, for having granted him asylum 20 years previously, when his country had been under a military dictatorship.

17. Mr. CHIRAC (France) thanked the Chairperson for having recalled that human rights, the concern for human beings and human dignity had long been a passionate concern of the French. The French people had been among the first to declare that human rights were universal and sacred, and the French nation had always been in the forefront of the struggle for freedom. However, no people could currently wage the battle alone. At a time of globalization and instant communication, everything had to be thought out, accomplished and dreamed on a world scale. That was why the United Nations, which had been born of the rejection of war and barbarism was, and was destined increasingly to be, the spearhead of a new humanism.

18. Not long previously, the international community had celebrated the fiftieth anniversary of the Universal Declaration of Human Rights. The Declaration, which had been adopted on the morrow of the worst nightmare in history, affirmed the universal, indivisible and inalienable rights of every human being and constituted the moral law of mankind. Despite the horrors of the previous century - a century of Nazi, Communist and fundamentalist totalitarianism, of genocides and crimes against humanity, of the Holocaust, a century marked by the coexistence of abject poverty and of unprecedented and sometimes insolent prosperity - the first sprouting of the seeds of hope had been seen. In Europe, the fall of the Berlin wall had restored freedom to nearly 400 million women and men. New hope had been born in the Federal Republic of Yugoslavia following the election of President Kostunica. In Latin America, the bastions of authoritarianism had fallen. In Africa, apartheid had been defeated and the democratic process was under way. In Asia, India offered a fine example of democracy. Nonetheless, it was necessary to remain vigilant, to press ahead in developing fairer standards and respecting the economic and social rights of each person, and to prevent the emergence of new forms of oppression. The United Nations increasingly emerged as the virtual homeland of and principal instrument with which to defend human rights. Much remained to be done, however. A complex architecture had been put in place. It must be made to work better, with a particular focus on more effectively combating the accumulation of discriminations suffered by women and vulnerable populations. It would thus be possible, without politicization, to fulfil the mandate which brought States together within the Commission, namely, to ensure that States complied with the law which they had themselves adopted.

19. The goal of the international community should be universal ratification of the human rights instruments. The accession of China to the International Covenant on Economic, Social and Cultural Rights was a significant step forward. The dialogue which the United Nations and Europe had engaged with China to encourage it to ratify the International Covenant on Civil and Political Rights was thus all the more warranted. It was also urgent that the treaty establishing the International Criminal Court, which would be a sword of Damocles hanging over those who committed crimes against humanity, should enter into force. If that Court achieved its purpose and was given its full scope, acts which were repugnant to the conscience of all mankind would no longer go unpunished.

20. The World Conference on Human Rights in Vienna had, with conviction and enthusiasm, set up the Office of the High Commissioner for Human Rights (OHCHR), which Mrs. Robinson had headed with efficiency and style. He expressed his gratitude to her for the faith which inspired her and the courage with which, everywhere and under all circumstances, she reminded each and every person of the common values. He would deeply regret her departure, if it were to be confirmed, but would respect her decision. He deplored, as she did, the too limited resources made available to her Office. In that connection, France made a strong plea for an increase in the United Nations regular budget appropriation for OHCHR. Under the cooperation agreements France intended to sign with the Office, it would provide over 10 million French francs in additional funding for technical assistance projects.

21. Because the ideals and principles that inspired it were universal, the Commission had a duty to address problems that legitimately concerned the international community. He asked what the Commission's credibility would have been if it had not put the Chechen issue on its agenda the previous year. Similarly, because of the tragic deterioration in the situation in the

occupied Palestinian territories, it was the Commission's duty to examine the human rights situation there, in a spirit of fairness and on the basis solely of the facts. Among States, critical and watchful dialogue, conducted without bias or arrogance, must be the rule. France did not wish to lecture others because there was room for improvement in its own record. Fundamental rights were fully respected in France, but despite all its efforts and laws, prison conditions, the presumption of innocence, persistent poverty and occasional outbursts of racism were areas in which it could and must make progress. France was open to those whose job it was to ensure compliance with the treaties, and did not try to avoid the scrutiny of its peers. In the most serious situations, when dialogue broke down, there should be condemnation. France nevertheless had reservations about sanctions. Economic sanctions primarily harmed civilian populations, especially the poorest and weakest. Political sanctions only made leaders more unbending. However, when a country was responsible for wholesale flouting of universal values, the international community had a duty to condemn it and, in full compliance with the Charter, to put targeted pressure on it.

22. Like Mrs. Robinson, he placed great hopes in the initiatives of regional and cultural organizations. The European Council, in Nice, had proclaimed the European Charter of Fundamental Rights and had set up an early-warning system. In the same spirit, France was striving to strengthen the French-speaking community at the political level. In November 2000, in Bamako, the members of the French-speaking community had reiterated their commitment to democracy and to human rights, and had set up a system to provide early warning and bring pressure to bear. At their Beirut summit, they would adopt a programme of technical assistance, for which France would provide the bulk of resources. However, it was freedom fighters, such as the Nobel peace prizewinners Aung San Suu Kyi, who acted so courageously in Burma, and Rigoberta Menchu Tum , who fought peacefully for the rights of indigenous peoples, who were first and foremost responsible for defending public freedoms where they were under threat. As for the non-governmental organizations (NGOs), they protected the victims of silence, sounded warnings and made proposals, and were the spearhead of the campaign for human rights. The advocacy activities of NGOs should be further facilitated. The Secretary-General, NGOs and States should work together to devise accreditation criteria which better guaranteed efficiency, authenticity and transparency. To enable associations from the South to make their voices heard, generous assistance should be provided.

23. France supported the Global Compact proposed by the Secretary-General, whereby businesses would undertake to respect fundamental rights. It would provide financial support for the Compact and encourage its businesses to join. France also welcomed the progress made on ethical shareholding. However, the question arose of who was to define the criteria. Coordination with the United Nations was needed to ensure compliance with international standards.

24. Nothing was more odious than torture, and he emphasized the need to supplement the Convention against Torture by an additional protocol providing for visits of inspection to places of detention. Enforced disappearances were another revolting practice: assassination was compounded by the atrocity of deprival of mourning. He hoped that the Commission would mobilize itself to fight that odious crime and that the Governments of the countries concerned which, like that of Colombia, had decided to combat it effectively, would support its effort. The death penalty had been abolished by more than 100 countries, and two or three more States

joined their ranks every year as the conviction took hold that death could not under any circumstances constitute an act of justice. Moreover, no justice was infallible, and every execution could mean killing an innocent person. The execution of minors and of the mentally deficient was particularly disturbing, and he called for universal abolition of the death penalty with, as a first step, a general moratorium.

25. The eradication of poverty was a priority if economic, social and cultural rights were to be respected. Never had the world been so rich, and yet more than 2 billion people were living on less than 2 euros a day. Even though triple combination therapies did not constitute a cure, they existed, but hundreds of thousands of people were still dying of AIDS without receiving them. The right to development and the right to health must be strongly reaffirmed. In May 2001, in Brussels, he would be supporting international action on behalf of the least developed countries. In November 2001, at Dakar, together with the United Nations and at the initiative of Senegal and France, industry, NGOs and States were to agree on price mechanisms and country projects giving sick persons access to AIDS treatment.

26. He also saluted the symbolic significance of the World Conference against Racism. It would undoubtedly be an opportunity to recall the duty of remembering the horrors of the slave trade and the unspeakable suffering endured by generations torn from their land and reduced to bondage. However, the Conference would also have to address contemporary problems: the racism in evidence on all continents; the xenophobia and ethnic strife affecting, inter alia, Indonesia and the Great Lakes region of Africa and Sierra Leone, and which had mangled the Balkans in Europe; the obscurantism which engendered the persecution of minorities and the denial of equality, as in Afghanistan, where women were shamefully deprived of their rights and subjugated. In that connection, education was the best means of combating the oppression, discrimination, fanaticism and poverty from which so many women suffered throughout the world. In New York, at the special session of the General Assembly devoted to children, he would propose that the United Nations insist that girls be given universal access to education, the primary vector of development and equality.

27. Further progress needed to be made in drafting the United Nations declaration on the rights of indigenous peoples, who harboured an incalculable share of the common heritage of humankind, and whose store of knowledge was threatened. The international community must acknowledge its debt to them and the contribution they had to make. At stake was the definition and implementation of a universal ethic capable of serving as a foundation on which the human race could build its future, while retaining the memory of its origins and its links with nature.

28. The Commission on Human Rights should also turn its eyes to the future. Globalization was a source of great progress, but it was also fraught with new threats. For example, while the Internet made it easier to learn about the violations perpetrated against oppressed peoples and communities - a momentum which the French Internet-based human rights encyclopaedia project would support - it also made it possible to violate the privacy of every individual and was a new weapon for crime, whether it be terrorism, trafficking in drugs or human beings, paedophilia or incitement to racial hatred. Protection and control measures would be effective provided the action taken was universal, and he called for an effort to ensure it was so. In addition, the

Commission should affirm the rights and freedoms that every State must absolutely guarantee on the new communications networks, to ensure that freedom of expression, freedom of association, freedom of the press and the right to privacy were respected.

29. The revolution in the life sciences was also a source of high hopes for human health and quality of life. Nevertheless, those who experimented with or openly advocated human cloning flouted the sacred nature of the human person. UNESCO had shown the way forward to protect the integrity of the person, by drafting the Universal Declaration on the Human Genome and Human Rights and setting up an independent commission on ethics. Building on that model, the Secretary-General could focus the debate in the international organizations on those issues and seek the views of independent experts, whose first task could be to discuss the form and content of a universal text on bioethics.

30. Lastly, at the time of global warming, of the disturbing and unacceptable challenge to the Kyoto Protocol, of irreversible damage to biodiversity, of spreading desert and an impending freshwater crisis of major proportions, it was imperative to affirm the right to a protected and preserved environment, the right of future generations. He solemnly appealed to all States, and particularly to the industrialized countries, to implement the Kyoto Protocol without delay. The tenth anniversary of the Rio Summit, which had proclaimed the principles of sustainable development, was just a few months away; the Commission on Human Rights could make its contribution by giving thought to the definition of a right to the environment, which was crucial to the developing countries because they were most vulnerable to damage to the natural environment.

31. Humankind could be proud of having conquered some of the worst misfortunes that had hampered human development since time immemorial. The humanism of the twenty-first century must constitute an affirmation of universal ethical standards, based on the inviolable nature of the human person and the need for solidarity. Each member of the Commission was called upon to uphold the values and identity of his or her country. The Commission was, however, an expression of the universal conscience and, as an instrument of international law, it represented the general interest. Progress was born of the dialogue between the universal and the particular. As long as there were violations of human rights, there would be a conflict between interference and sovereignty, the temptation of the absolute and the compromise with reality. Far from condemning the international community to powerlessness, that tension would be its stimulus to building a more just and more humane international order.

STATEMENT BY MR. VOJISLAV KOSTUNICA, PRESIDENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

32. The CHAIRPERSON said that the Commission on Human Rights had always followed very closely the situation in the Balkans, and particularly in the Federal Republic of Yugoslavia. The election of Mr. Kostunica, a jurist and a defender of human rights, as President of that country had given new hope of seeing the Federal Republic of Yugoslavia return to the fold of the international community.

33. Mr. KOSTUNICA (Federal Republic of Yugoslavia) began by paying tribute to the courage, determination and impartiality demonstrated by Mrs. Robinson, United Nations High Commissioner for Human Rights, in her work. He also thanked Mr. Jiri Dienstbier, Special Rapporteur of the Commission on Human Rights, who had painted a clear picture of the human rights situation in the Federal Republic of Yugoslavia, in the Republic of Croatia and in Bosnia and Herzegovina in his report (E/CN.4/2001/47 and Add.1).

34. He emphasized that his role in clarifying the situation was all the more difficult because it was the first time in nine years that Yugoslavia was represented at the Commission - the most important United Nations human rights organ. After having overthrown, in a peaceful and bloodless revolution, an authoritarian regime that had oppressed it for 56 years, the Yugoslav people faced the challenge of building a new and free society while combating Albanian terrorism, which was no easy task.

35. The free exercise of fundamental rights and freedoms was the most sensitive measure of the scale of democratic changes in a society. It was not sufficient to set up democratic institutions, to incorporate into the Constitution articles proclaiming basic rights and freedoms for citizens and to adopt laws to guarantee those rights; it was also necessary to materialize those rights, a requirement that implied the fulfilment of a number of preconditions. The list of those preconditions was very long in the case of the Federal Republic of Yugoslavia, on account of the numerous undemocratic regimes that had ruled for more than 50 years. During all those years, human rights had remained utopian, as had the principle of an independent judiciary, and the Constitution and laws had been rarely respected, when they had not been openly flouted by the very same people who had adopted them and who were responsible for their implementation. A new constitutional and legal order was therefore required, together with reform of the judicial system to encourage citizens to organize themselves and fight for their rights. That required a considerable effort, whose outcome was uncertain, since the very viability of the State was threatened by constant attempts to dismember it and to foment fresh internal dissent. Those aspirations and political actions were not conducive to the fulfilment of the preconditions for improving the human rights situation; on the contrary, they fostered oligarchic regimes and provoked new border disputes.

36. For its part, the Federal Republic of Yugoslavia was resolved not to permit such movements to develop but, on the contrary, to strengthen the rule of law and the protection of fundamental human rights and freedoms. It would be necessary to take into account the country's composition, with two multiethnic federal entities, whose economic power and cultural traditions were quite different. It would be necessary to devise an appropriate constitutional formula which took that diversity into account. That would take time, and time was probably the factor that was in shortest supply. The Federal Republic of Yugoslavia needed to produce tangible results in the foreseeable future, not so much because the whole world was watching developments there, as because the citizens of Yugoslavia themselves were impatient for things to change. They wanted to be able to work freely, to give their children a proper education, to earn their living and to travel, in a nutshell, to live decent human lives. It was their aspirations that needed to be fulfilled, by immediately reforming the legislative and judicial branches and resolving the constitutional issues. Several bills for the protection of minorities, on privatization and on foreign investment were currently being drafted in Serbia, as well as one on Serbia's

territorial organization which would transform it into a regionalized republic. A bill regulating cooperation between the Federal Republic of Yugoslavia and the International Criminal Tribunal for the Former Yugoslavia was also being drafted.

37. The important measures adopted to advance human rights in Yugoslavia included the establishment of a federal Minister for Minorities and Ethnic Communities, the adoption of an Amnesty Act at the federal and republican levels, the adoption of amendments to the Criminal Procedure Act, to abolish unconstitutional reasons for detention and for prolonging detention, and an Act suspending the Public Information Act and the Universities Act, which were contrary to human rights, the establishment of cooperation between public agencies and NGOs in the field of human rights and, above all, the establishment of a Truth and Reconciliation Commission. Acts to regulate the status of NGOs and of political parties were also being drafted, and the act on the rights of national and ethnic minorities, which was in full conformity with the relevant European legal standards, was shortly to be adopted. As for the crucial issue of refugees and displaced persons, who numbered 800,000 in the Federal Republic of Yugoslavia, a new policy, based on principles of solidarity, voluntary participation and justice, which did not compel refugees to choose between integration and repatriation, had been adopted.

38. He did not approve of the widespread tendency to simplify everything and to consider human rights solely from the angle of minority rights. Thus, when he referred to the need to shed light on the issue of missing persons in Kosovo, he was not referring to missing Albanians or to missing Serbs; they were all Yugoslav citizens. Similarly, it was not only the human rights of non-Albanians that were threatened in Kosovo; more and more Albanians were being manipulated and intimidated. In that connection, he recalled the special role and responsibilities vested in the international community by the Security Council in its resolution 1244 (1999). In response to the criticism levelled at the new Yugoslav authorities concerning the question of Albanian prisoners, he cited a number of statistics from the International Committee of the Red Cross (ICRC) relating to the number of Albanians imprisoned, amnestied or released in Serbia. According to recent information, 436 people were still imprisoned, and the matter of the 143 members of the Djakovica group was being revised on account of the procedural errors committed.

39. Human rights were the most effective means of restricting political power. Nevertheless, in the Federal Republic of Yugoslavia, it was precisely, and paradoxically, the political authorities, and more exactly the executive branch, that had to take the steps necessary to guarantee human rights; and that was not the best way of achieving the desired results. In Yugoslavia, the task was the responsibility of the political leaders of the movement that had overthrown the former regime, who currently led the country. If, as was their avowed intention, they wished to institute freedom and democracy, they would themselves have to take steps to restrict their political power. The State and society had to act separately if human rights were to become a source of freedom for the population of Yugoslavia. He was convinced that it was possible.

STATEMENT BY MR. JOSEPH KABILA, PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO

40. The CHAIRPERSON said that the members of the Commission had followed attentively the situation in the Democratic Republic of the Congo, and were pleased to welcome the fourth President of the Democratic Republic of the Congo since the country had achieved independence in 1960. He also recalled the words spoken at the time of the death of Laurent-Désiré Kabila, the father of Joseph Kabila, by Nelson Mandela, who had said that that tragic event should become an opportunity for reconciliation between the parties to the conflict.

41. Mr. KABILA (Democratic Republic of the Congo) congratulated the Secretary-General of the United Nations, Mr. Kofi Annan, on his manifold efforts to achieve the purposes and principles laid down in the Charter of the United Nations and, in particular, to restore peace in the Democratic Republic of the Congo. He hoped that he would pursue his work during his second period in office. He also paid tribute to Mrs. Robinson, United Nations High Commissioner for Human Rights, for her unrelenting commitment to human rights throughout the world.

42. The new Government of Public Safety, which had been set up in 1997 in the Democratic Republic of the Congo at the end of the war of liberation, had committed itself to establishing a State governed by the rule of law, based on respect for fundamental human rights and freedoms, and to building democracy. To that end, it had adopted exceptional measures and instituted a transitional state of emergency, under which certain public freedoms could be restricted, which was accepted under international law, as set forth in article 4 of the International Covenant on Civil and Political Rights. In order to continue the process of democratization, a strict timetable had been adopted for the drafting of the Constitution and for organizing elections. A three-year national reconstruction plan, based on promoting economic, social and cultural rights has also been drawn up. That process had been cut short by the war of aggression launched on 2 August 1998 by Uganda, Rwanda and Burundi, which had led to the tightening of the state of emergency and to the proclamation, in 1999, of a state of siege in six of the country's provinces. The Congolese Government had nevertheless endeavoured to continue to protect human rights and to respect international humanitarian law through the Ministry of Human Rights, which had been established in June 1998. Several training and awareness seminars had also been organized, such as the Seminar on the Administration of Justice and Human Rights, in August 1999, and the seminar which had led to the adoption of the National Plan of Action for the Promotion and Protection of Human Rights, in December 1999.

43. Dissemination of the human rights culture and the popularization of the basic concepts of international humanitarian law had helped to prevent serious human rights violations in that part of the territory under the control of the Government. The unlawful occupation of part of Congolese territory by the Rwandan, Ugandan and Burundi forces was a situation detrimental to human rights, which could be ended only by the complete and final withdrawal of the invading troops. According to certain NGOs and United Nations agencies, 2.5 million Congolese had perished in the occupied territories. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the European Humanitarian Aid Office had reported a humanitarian catastrophe, with 2.1 million displaced persons, almost 400,000 refugees and 16 million persons directly affected by the impact of the war. The situation was

compounded by the vastly increased number of vulnerable persons (widows and orphans), the forced recruitment of children into the fighting forces, the massacres of civilians and the numerous barbarous acts, such as those at Mwenga, where some 15 Congolese women had been buried alive by the Rwandan troops, and at Kisangani, where clashes between the Rwandan and Ugandan troops had resulted in thousands of innocent victims. More recently, in the eastern province of Ituri, members of the Lendu and Hema ethnic groups had massacred each other, at the instigation of the occupying Ugandan troops. Those massacres had been of such gravity that some people had described them as genocide.

44. Regarding the unlawful exploitation of the country's natural resources, his Government was awaiting an objective report by an ad hoc group of experts appointed by the United Nations Security Council. The Congolese people demanded fair and equitable compensation for the damage inflicted. That was the purpose of the suits lodged by the Democratic Republic of the Congo with the International Court of Justice, and of its petition to the African Commission on Human and Peoples' Rights.

45. The human rights situation and the situation of international humanitarian law in the Democratic Republic of the Congo were a source of ongoing concern. He recalled that, in his inaugural address on 26 January 2001, he had stressed the need to strengthen the rule of law, consolidate democracy and good governance, guarantee human rights and promote legal and judicial security in his country. In May 2001, a national human rights conference was to be organized in Kinshasa. Its objectives would be: to reaffirm the country's determination to respect, promote and protect human rights, to make the international community aware of the large-scale human rights violations in the occupied areas and reaffirm the urgent need for an immediate and unconditional withdrawal of the invading troops from the national territory, in conformity with the relevant resolutions of the United Nations Security Council, and to improve the National Plan of Action for the Promotion and Protection of Human Rights. He invited the international community to provide all the necessary assistance to contribute to the success of that conference. In addition, pending the completion of the judicial reform, and especially the reform of the military justice system, the Military Court would, in future, deal only with breaches of the Military Code and regulations. A debate on the abolition of the death penalty was currently under way in parliament; meanwhile, the moratorium on capital punishment remained in force. In addition, illegal places of detention had been closed.

46. At the start of the third millennium, he earnestly hoped that the Congolese people would once again enjoy peace and set themselves to the task of rebuilding the country. In order to speed up the Inter-Congolese dialogue, provided for by the Lusaka Ceasefire Agreement of 10 July 1999, Sir Ketumile Masire, the Facilitator appointed by the Organization of African Unity (OAU), had been invited to Kinshasa. Contacts were also under way with the President of Gabon, Omar Bongo, who had directed the talks in Libreville. A number of priority actions, which required the support of the international community, had also been undertaken to further the democratization process, including the establishment of a joint commission to examine the amendments required to two decree-laws, one of which concerned the organization and running of political parties and groups, and the other, associations. Following the December 1999 Pan-African Forum in Kinshasa, a decree had been issued on the demobilization and social rehabilitation of vulnerable groups, particularly child soldiers.

47. The Democratic Republic of the Congo also intended to ratify shortly several international instruments, including Protocol II Additional to the 1949 Geneva Conventions. His Government also planned to draw up new labour, investment and mining codes, and to set up labour and commercial courts. The national councils for women and children, whose role was to safeguard the rights of women and children, had been established as advisory bodies to the Government, and efforts had been made to ensure that women were represented in public institutions.

48. He regretted that, despite the adoption of a number of resolutions by the United Nations Security Council, peace had not yet been restored in his country. He nevertheless hoped that the implementation of the disengagement plans would immediately be followed by the deployment of United Nations troops to speed up the complete and definitive withdrawal of the invading troops, in conformity with Security Council resolution 1341 (2001). A good neighbour policy was one of the guiding principles of the foreign policy of the Democratic Republic of the Congo; the scant resources of the countries of the Great Lakes region should be used to foster their development, and not to wage war. He invited the international community to see the situation for itself on the spot, and assured it of his country's willingness to help to make safe the region as a whole, to the extent of its power. He also recalled the message of peace sent out by the former President Laurent-Désiré Kabila in December 2000, a few weeks before his death. An international commission of inquiry had been appointed to elucidate the circumstances of his assassination and the summary execution, shortly afterwards, of Lebanese citizens.

49. Quoting the words of Prime Minister Patrice Lumumba who, on the country's accession to independence in 1960, had expressed his determination that all Congolese citizens should fully enjoy their fundamental freedoms, he called on the international community to commit itself to that endeavour. He also expressed the hope that the World Conference against Racism, due to be held in September 2001, would enable the international community to find ways of eradicating racism, racial discrimination, xenophobia and intolerance so that all peoples could live in brotherhood and tolerance and develop solidarity, whatever their differences.

STATEMENT BY MR. MIRCEA GEOANA, MINISTER FOR FOREIGN AFFAIRS OF ROMANIA

50. Mr. GEOANA (Romania), speaking as the serving Chairman of the Organization for Security and Cooperation in Europe (OSCE), having paid tribute to the work of Mrs. Robinson, the High Commissioner for Human Rights on behalf of human rights throughout the world, said that OSCE had become a pillar of peace and stability in Europe. Formerly limited to political and military concerns, the concept of security had come to cover democracy, respect for human rights and for cultural diversity and efforts to combat violence and organized crime. The sphere of action of OSCE thus encompassed, besides security, the defence of human rights. In that regard, the fullest possible use should be made of the mechanisms created by the Charter of Paris for a New Europe - the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media.

51. His country, which currently occupied the Chair of OSCE, was convinced that respect for human rights should remain at the heart of that Organization's concerns. It would thus endeavour to ensure a better understanding of and respect for the principle of good governance,

which was to be the main item on the agenda of the OSCE Economic Forum, to be held in Prague. The Organization had also decided to devote the first of its Supplementary Human Dimension Meetings to promoting tolerance and non-discrimination in the region. In September 2001, a conference on Roma and Sinti issues would be held in Bucharest. The European countries should demonstrate a sense of responsibility and solidarity, and strive to ensure respect for the fundamental rights of those groups. The OSCE High Commissioner on National Minorities, Mr. Max van der Stoel, was working tirelessly to advocate a multicultural approach to promoting minority rights, based on mutual respect and shared values.

52. Combating trafficking in human beings was a regional and international political priority. OSCE should foster cooperation in that sphere and rely on its field missions to identify problems, define common approaches and spread best practices. On 21 May 2001, Romania, which was a country of origin and transit for human trafficking, would be hosting a Conference on Human Trafficking and Illegal Immigration, to which the countries of the region and other Governments and organizations had been invited. The purpose of the Conference was to strengthen concrete measures at the national, regional and international levels to tackle the problem.

53. The first of the Supplementary Human Dimension Meetings had been devoted to freedom of expression. The emphasis had been on freedom of the press, in particular. The electoral process, another priority of OSCE for over 10 years, would be at the heart of the annual Human Dimension Seminar. Finally, Romania would be putting forward for adoption a document on promoting the rights of the child.

54. With regard to conflict and post-conflict situations, Romania intended to speed up the OSCE response to emerging conflict situations, improve the efficiency of its crisis-management capabilities and ensure consistency in post-conflict rehabilitation. The crisis buffeting the former Yugoslav Republic of Macedonia was of particular concern. The international community must react in a firm, coherent and resolute manner to prevent the escalation of violence. OCSE welcomed the close cooperation between the European Union and NATO. In turn, OSCE was committed to making its own contribution to efforts to stabilize the region, in particular by promoting ethnic reconciliation. So far, it had favoured a multi-track approach: the High Commissioner on Ethnic Minorities dealt with inter-ethnic aspects, the Head of the OSCE Mission in Skopje focused on the border crisis, while the personal representative in the former Yugoslav Republic of Macedonia coordinated the action of OSCE alongside the other international organizations in the region. There were grounds for optimism: the former Yugoslav Republic of Macedonia and its neighbours would shortly sign the Stabilization and Association Agreements with the European Union, a crucial stage which, in the long run, would enable those countries to find their place in the European family of free, democratic and prosperous nations.

55. Also in South-East Europe, the OSCE Mission in the Federal Republic of Yugoslavia had been given the task of helping the country to strengthen its democratic institutions and the rule of law. In Kosovo, the organization of province-wide elections, in conformity with Security Council resolution 1244 (1999), was one of the greatest challenges facing the international community and OSCE. Apart from the electoral calendar, there were still a number of problems to resolve, such as the safe return of refugees and displaced persons and the

registration of voters. In Bosnia and Herzegovina, OSCE would continue to support the building of a multi-ethnic society, with an emphasis on the establishment of a legal and security framework for the return of the refugees and displaced persons and on the implementation by the OSCE Mission of good governance projects.

56. In the Caucasus, in Chechnya, the situation continued to be unstable and tense. The OSCE Chairman had received assurances from the Russian Federation on the return of the OSCE Assistance Group. That return would enable the Organization to cooperate in humanitarian actions with the representatives of the Council of Europe, The United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees (UNHCR), as well as with the various international NGOs. In the southern Caucasus, thousands of refugees and displaced persons were living precariously, broad sectors of the population were affected by poverty and human rights were regularly disregarded. In collaboration with other international organizations, OSCE could contribute to building a democratic institutional framework, capable of guaranteeing the rule of law, public order and the safety of individuals. The establishment of an ombudsman mechanism should be a priority.

57. In Central Asia, the OSCE field offices were engaged in human rights monitoring as well as education and public awareness projects. OSCE called on the Governments of the countries of the region, particularly those of Kyrgyzstan, Tajikistan and Turkmenistan, to take the necessary legislative steps to meet international human rights standards and to put an end to the harassment and arrest of human rights militants, opposition leaders and religious activists. The refugee situation in Tajikistan and Uzbekistan was of particular concern. OSCE supported the measures adopted by UNHCR and the other international organizations providing humanitarian assistance.

58. Speaking in his capacity as representative of Romania, he drew attention to the need to continue examining what concrete measures could be adopted to strengthen and promote democracy. Romania would sponsor a draft resolution on the subject entitled "Dialogue on the ways and means to promote or consolidate new or restored democracies".

59. The various conflicts and crises buffeting the OSCE region had demonstrated the need for ever-closer cooperation among the organizations active in Europe. There was a need to develop structures of cooperation that guaranteed a genuine synergy of efforts. OSCE was currently examining, with the United Nations, the possibility of organizing a conference on the theme "Ten years in the Balkans: lessons learned". The conference would be an opportunity to assess the activities of the international organizations and identify ways to improve their efficacy and coordination. In that connection, he had recently appointed an OSCE coordinator responsible for enhancing the role of OSCE in revitalizing the Stability Pact for South-East Europe. It was essential to create a world that was free and secure for all, in which respect for human rights was a reality. Together, the United Nations and OSCE could achieve that goal.

STATEMENT BY MR. NABEEL SHAATH, MINISTER OF PLANNING AND INTERNATIONAL COOPERATION OF THE PALESTINIAN NATIONAL AUTHORITY

60. Mr. SHAATH (Palestine) thanked all the members of the Commission on Human Rights and the High Commissioner for Human Rights on behalf of the Palestinian people and officials for their support and protection during a period of suffering and misfortune. He also expressed his gratitude to the Human Rights Inquiry Commission and to the international, Palestinian and Israeli NGOs for their assistance.

61. Although the adoption of legally binding international human rights standards had been a great step forward for humankind, it was nevertheless true that numerous human rights violations were still being committed. However, they were no longer considered to be morally and legally acceptable. Practices that in the past had been regarded as legitimate means of waging war or of governing, such as torture, mass deportation, the use of gas and of anti-personnel mines, were currently considered to be crimes. The international community should ask itself whether it was doing enough to ensure that no human rights violation, regardless of where it was committed or of its circumstances, was tolerated. If it had been more vigilant, tragedies such as the Holocaust could have been averted. That was why the Commission's session, and the inclusion of the question of Palestine on its agenda, was so important because, in the days to come, it would be a question of deciding whether Israel was to be allowed to continue to wage a war of unprecedented cruelty against the Palestinians. The siege of the Palestinian territories by the Israeli forces could not be accepted as a necessary evil.

62. He did not intend to draw up an inventory of all the violations committed in the occupied territories. The reports of the Commission on Human Rights, of the Special Committee to Investigate Israeli practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and of the Committee on the Exercise of the Inalienable Rights of the Palestinian People gave a clear picture of the human rights situation in the territories under Israeli occupation. In that connection, the report by the High Commissioner for Human Rights on her visit to the occupied Palestinian territories (E/CN.4/2001/114), which gave a true picture of the situation, was an example of political courage.

63. The Palestinian National Authority could not but endorse the conclusions of the Human Rights Inquiry Commission, established under resolution S-5/1 of the Commission on Human Rights, dated 19 October 2000, and contained in paragraphs 113 to 115 of that Commission's report (E/CN.4/2001/121). In particular, the Inquiry Commission recommended the urgent establishment of an international presence to ensure compliance by all parties with human rights and humanitarian law standards. Every Palestinian could testify to the fact that the lack of political will had prevented the implementation of international humanitarian law during the previous 30 years. Although Israel, as the occupying Power, had always refused to accept the de jure applicability of the Fourth Geneva Convention to the Palestinian territories, and the other High Contracting Parties had taken no steps to compel Israel to meet its obligations, the Palestinian Authority had endeavoured to foster dialogue, cooperation and confidence between the Palestinians and Israeli civil society and political leaders. It had always been convinced that a peaceful, just and lasting solution would be found to the conflict, while Israel had continued its unlawful policy of annexation and colonization with the aim of transforming the demographic

make-up of the occupied territories and preventing the Palestinians from exercising their right to self-determination and from creating a sovereign Palestinian State. The intensification of the policy of establishing settlements clearly lay at the root of the escalation of violence and of the popular uprising by the Palestinians.

64. Respect by Israel for human rights was the sine qua non for a resumption of the dialogue and the revival of the peace process. The Palestinian civilian population had to be protected against collective punishment, acts of reprisal, excessive and blind use of force - in particular of weapons that were prohibited internationally, extrajudicial executions and the destruction of property. Believers, both Christian and Muslim, must have free access to religious sites. To that end, an international monitoring force, whose mission would be to provide protection for the Palestinians and to discharge the obligations incumbent upon the High Contracting Parties under article 1 of the Fourth Geneva Convention, should be deployed in the occupied territories until Israel accepted the de jure applicability of that Convention, or until a just and lasting peace agreement was reached. The presence of such a force would enable the Palestinian National Authority to maintain public order in the areas under its jurisdiction and to remove the practical obstacles and reservations of principle to the resumption of its cooperation with Israel. It was unfortunate that the United States of America had recently vetoed a draft Security Council resolution whose aim had been simply to implement the Sharm el-Sheikh Agreement and to permit an international monitoring force to be deployed in the occupied Palestinian territories.

65. The Palestinian National Authority strongly reaffirmed that the Palestinian leaders were ready to negotiate with Israel to bring about a peaceful settlement to the conflict, on the basis of international legitimacy and the application of the agreements already signed. It was prepared to examine every means of preventing the escalation of violence and of creating the conditions necessary for a resumption of negotiations. However, the Israeli Government was alone capable of bringing the spiral of terror to an end. The main challenge facing the international community remained the protection of the Palestinian civilian population.

66. In just six months, a situation in which peace had been almost restored had been transformed into a virtual declaration of war by Israel. The deterioration in the situation illustrated the fragility of the limited progress made. The Commission's decisions would be decisive for the future. It was vital to do everything possible to protect the Palestinians and thereby make progress towards peace.

STATEMENT BY MR. JÁNOS MARTONYI, MINISTER FOR FOREIGN AFFAIRS OF HUNGARY

67. Mr. MARTONYI (Hungary) said that he shared the sentiments of all those who had expressed their sorrow at the announcement of the departure of the High Commissioner for Human Rights, Mrs. Mary Robinson, and conveyed to her the sincere thanks of his Government for her tireless efforts on behalf of human rights.

68. The protection of human rights and fundamental freedoms was a basic factor of the foreign policy of his Government, which was deeply attached to the common values of democracy, liberty and the rule of law and of respect for human rights, including those of national minorities. No country could aspire to success if it did not adhere to those fundamental

values, as enshrined in the relevant international instruments, and if it did not ensure the rule of law and a market economy based on private enterprise. All those who denied human rights and civil liberties knew full well that they were going against the tide of history, as demonstrated by the fall of the dictatorships in Europe. For the Commission on Human Rights to preserve its credibility, it must continue to advance the cause of democracy, to expose and put an end to human rights violations and protect their victims, whether individuals or national, ethnic or religious minorities. It should ensure that the machinery for protecting human rights was not diverted from its purpose, and resist attempts to stir up sterile debates to distract the attention of the international community from what was happening in a country and to find excuses for not implementing human rights.

69. In an age of globalization, there was hardly a country in which everyone spoke the same language and shared the same culture, convictions and traditions. The presence of different national, ethnic, linguistic or religious groups within the frontiers of a country was not only an asset, it was also a source of social and cultural enrichment. History had clearly shown that accepting the preservation of minority identities had strengthened the stability of States and that it was the denial, not the acceptance, of their legitimate demands that led to instability, conflict or even bloodshed. It was only when the rule of law prevailed in a country and human rights were respected there that affirmative action on behalf of national minorities was no longer considered to be discriminatory against the majority.

70. His Government was convinced that the United Nations had an irreplaceable role to play in promoting effective respect for the rights of national minorities. That was why it had attached great importance to the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, whose implementation had already helped to improve international protection for the rights of those minorities. That role of the United Nations was complemented by the standard-setting and monitoring activities of the relevant regional organizations, such as the Council of Europe, OSCE or the Central European Initiative, which adjusted the global measures adopted to regional needs and realities. Since national identities had played a major role in most major international crises of the past decade, the time had come, as had already been observed by the President of the Republic of Hungary at the Millennium Summit, for the United Nations to draw up a legally-binding universal document on the rights of minorities. In that connection, his Government much appreciated the decision taken by the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights - whose debates on a number of sensitive and topical issues in that area were particularly valuable - to recommend that the Commission on Human Rights should request the views of Governments, NGOs and intergovernmental organizations on the desirability of drafting a convention on the rights of minorities. His Government of course favoured such an initiative and also appreciated all similar initiatives, such as the proposed adoption, within the framework of UNESCO, of a declaration of cultural rights.

71. His delegation was also prepared to make an active contribution to the World Conference against Racism, which was to be held in September 2001 in Durban, South Africa, and which was expected to yield concrete results. In that regard, it was important to stress that racism could

only and should only be addressed comprehensively from a human rights perspective. As the Secretary-General of the United Nations had put it, racism could, would and must be defeated, and it was to be hoped that the Conference would mark yet another chapter in the fight against racism.

STATEMENT BY MR. JEAN DE DIEU MUCYO, MINISTER OF JUSTICE OF RWANDA

72. Mr. MUCYO (Rwanda) said that, seven years after the genocide, there had been encouraging progress in the field of human rights and national reconciliation in Rwanda, as the Special Rapporteur of the Commission, Mr. Michel Moussali, had emphasized in his report on the matter (E/CN.4/2001/45). Rwanda had always affirmed its attachment to democracy and human rights, together with its willingness to cooperate with the United Nations and the international community in establishing peace and ensuring that all Rwandans were able to exercise their rights. As part of efforts to institute the rule of law and promote unity and reconciliation, various commissions had been set up, particularly the National Human Rights Commission, which had signed a cooperation agreement with OHCHR, and the National Commission for National Unity and Reconciliation, whose purpose was to promote the culture of peace in Rwanda, and which, in 2000, had organized an international conference on the subject. Other commissions which had been established included the Legal and Constitutional Commission, the Electoral Commission and the commissions to combat corruption, AIDS and poverty.

73. The Government was also committed to doing its utmost to prosecute and sentence those responsible for the genocide and other serious violations of human rights and international humanitarian law. Cooperation with the International Criminal Tribunal for Rwanda had improved, although the protection and treatment of witnesses was still a source of concern. His Government supported the idea of transferring the headquarters of the Tribunal to Rwanda, because the impact on Rwanda's population of trials for genocide was educational rather than punitive. It also favoured the Tribunal dealing with civil cases and welcomed the assistance it had given to the victims of the genocide. He thanked all those countries which were collaborating with the Tribunal and those that had begun to arrest the alleged perpetrators of the genocide present on their territory, and urged other countries to follow suit.

74. His Government had also adopted measures to remedy the disturbing situation in its prisons. A bill on the subject had been submitted to the Council of Ministers and the solutions under consideration included resorting to participative system of justice, known as *Gacaca*, a system that lay halfway between traditional and conventional law and which was based on participation by the people in the search for truth. His Government renewed its appeal to the international community as a whole to help it to set up those courts, which would enable it to discover what had actually happened at the time of the genocide, to speed up judicial proceedings, to end impunity, to resolve a number of problems resulting from the genocide and to reconcile Rwandans by strengthening their unity. Effective measures had also been taken through conventional courts to punish ordinary crimes, and in particular sexual crimes against women and children. Other changes were under way in Rwanda; in particular, decentralization had begun. New structures were being set up to bring public services closer to the people and to enable it to participate more fully in decision-making on matters of concern to it. The security situation, too, had significantly improved.

75. With regard to the armed conflict in the Democratic Republic of the Congo, his Government reaffirmed its support for the 1999 Lusaka Agreement, and called on all the parties concerned to comply with it in full, rather than attempting to delude international public opinion by pretending to be victims. He deplored the simplistic analysis of Rwanda's presence in the Democratic Republic of the Congo; an analysis that disregarded the underlying reasons for Rwanda's intervention in that country, whose regular army was the root cause of all the problems besetting the sub-region. The time for words was over; acts alone mattered, and Rwanda had taken the unilateral decision to withdraw its military forces 200 kilometres behind their initial positions. In that connection, he deplored certain uncalled for remarks made about himself, and preferred not to set himself up as a giver of moral lessons.

76. As the Special Rapporteur, Mr. Moussali, had noted, it would be possible for Rwanda really to recover only if it benefited from the understanding of the international community and its support for efforts to establish peace and justice, reduce poverty and bring about democratization. Rwanda was grateful to all those who, whether representatives of Governments, United Nations staff or human rights militants, had taken the trouble to visit Rwanda to see the situation at first hand, without letting themselves be influenced by the mendacious rumours and allegations peddled by persons of bad faith.

77. To conclude, he thanked Mrs. Robinson, whose departure he regretted, for everything she had achieved for his country, and congratulated the representative of the Libyan Arab Jamahiriya and Vice-Chairperson of the Commission, Ms. Al-Hajjaji, together with the representative of Kenya and Coordinator of the African Human Rights Group, Ms. Mohammed, for their unfailing commitment on behalf of Africa.

The meeting rose at 12.55 p.m.